



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**MAR 03 2015**

Derrick St. Laurent, Environmental Health and Safety Manager  
Waters Corporation  
177 Robert Treat Paine Drive  
Taunton, MA 02780

Re: Notice of Violation

Dear Mr. St. Laurent:

The U.S. Environmental Protection Agency, Region 1 ("EPA") is issuing Waters Corporation ("Waters") the enclosed Notice of Violation ("NOV") for violations of the Clean Air Act.

The NOV addresses EPA's findings that Waters has violated, and is still in violation of the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, 40 C.F.R. Part 63, Subpart VVVVVV (the "Chemical Manufacturing NESHAP"). The violations occurred at the Waters facility located at 177 Robert Treat Paine Drive in Taunton, Massachusetts.

You may confer with EPA about the enclosed NOV and its findings. To schedule a conference, please contact Elizabeth Kudarauskas of my staff at (617) 918-1564 or have your legal counsel contact Thomas Olivier of my staff at (617) 918-1737 within fourteen (14) days of your receipt of this letter and the enclosed NOV.

Sincerely,

*Susan Studlien*

Susan Studlien, Director  
Office of Environmental Stewardship

Enclosure

cc: Gregg Hunt, MassDEP, SERO

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND**

IN THE MATTER OF  
Waters Corporation  
177 Robert Treat Paine Drive  
Taunton, MA 02780

Proceeding under Section  
113 of the Clean Air Act

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**CLEAN AIR ACT  
NOTICE OF VIOLATION**

**STATUTORY AUTHORITY**

1. The United States Environmental Protection Agency Region 1 (“EPA”) issues this Notice of Violation (“NOV”) under the authority of Section 113 of the Clean Air Act (“CAA”), 42 U.S.C. § 7413, to Waters Corporation (“Waters”).
2. This NOV contains EPA’s findings that Waters is operating a chemical manufacturing process unit in violation of CAA National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, 40 CFR Part 63, Subpart VVVVVV (the “Chemical Manufacturing NESHAP”).

**BACKGROUND**

3. Waters owns and operates a chemical manufacturing facility in Taunton, Massachusetts (“the Taunton facility”).
4. On March 20, 2014 EPA conducted a CAA inspection of the Taunton facility.
5. During the inspection, EPA reviewed facility records including chemical use, emission calculations and maintenance records.

## **VIOLATIONS OF CHEMICAL MANUFACTURING NESHAP REQUIREMENTS**

6. The Chemical Manufacturing NESHAP requirements apply to each chemical manufacturing process unit ("CMPU") that is located at an area source of hazardous air pollutants ("HAP") and uses a HAP listed in Table 1 of the Chemical Manufacturing NESHAP. See 40 C.F.R. § 63.11494 (a).
7. The Taunton facility operates several chemical manufacturing process units, or CMPUs. A CMPU includes all process vessels, equipment and activities necessary to operate a chemical manufacturing process and associated recovery devices. A CMPU also includes each storage tank, transfer operation, surge control vessel, and bottoms receiver associated with the production of such materials.
8. One CMPU at the Taunton facility, the low volume bulk area, uses methylene chloride. Methylene chloride is a HAP listed in Table 1 of the Chemical Manufacturing NESHAP.
9. The Chemical Manufacturing NESHAP defines an existing affected source as a facility that commenced construction or reconstruction before October 6, 2008.
10. According to facility representatives, the Taunton facility commenced construction in 1978. Therefore, the Taunton facility is an existing affected source in the Chemical Manufacturing NESHAP.
11. As an existing affected source, the Taunton facility was required to achieve compliance with the Chemical Manufacturing NESHAP no later than March 21, 2008.

### **Failure to Submit Notification**

12. The Chemical Manufacturing NESHAP requires that affected sources submit a



notification of compliance status ("NOCS") report to EPA, which specifies the compliance options that are used at the facility to comply with the standard. See 40 C.F.R. § 63.11501 (b). The NOCS is to be sent before the 60<sup>th</sup> day following completion of the compliance demonstration. Therefore, the NOCS is due within 60 days of completing an initial performance test.

13. To date, Waters has not submitted a notification of compliance status to EPA for the Taunton facility.

#### **Failure to Maintain Records**

14. The Chemical Manufacturing NESHAP requires that affected sources maintain records including records of emission calculations, inspections, malfunctions and equipment repairs. See 40 C.F.R. § 63.11501 (c).

15. To date, Waters has not maintained all records required for compliance with the Chemical Manufacturing NESHAP for the Taunton facility.

#### **Failure to Comply with Management Practices**

16. The Chemical Manufacturing NESHAP contains standards for management practices and other requirements for each affected CPMU. See 40 C.F.R. § 63.11495.

17. Based on information gathered during the inspection of the Taunton facility, Waters has failed to demonstrate compliance with the requirements for management practices in 40 C.F.R. § 63.11495.

**Failure to Comply with Standards for Process Vents, Storage Tanks, Wastewater Systems,  
and Heat Exchange Systems**

18. The Chemical Manufacturing NESHAP contains standards and compliance requirements for process vents (see 40 C.F.R. § 63.11496), storage tanks (see 40 C.F.R. § 63.11497), wastewater systems (see 40 C.F.R. § 63.11498), and heat exchange systems (see 40 C.F.R. § 63.11499).

19. Based on information gathered during the inspection of the Taunton facility, Waters has failed to demonstrate compliance with the requirements for process vents in 40 C.F.R. § 63.11496, storage tanks in 40 C.F.R. § 63.11497, wastewater systems in 40 C.F.R. § 63.11498, and heat exchange systems in 40 C.F.R. § 63.11499.

**Failure to Obtain a Title V Permit**

20. The Chemical Manufacturing NESHAP requires that each area source using a federally-enforceable control device on a CPMU obtain a permit under 40 CFR Part 70 if the control device is necessary to maintain the source's emissions at area source levels. See 40 C.F.R. § 63.11494(e).

21. Waters operates the Taunton facility in accordance with the Air Quality Plan Approval ("Plan Approval") issued by the Massachusetts Department of Environmental Protection on June 28, 2013. The Plan Approval includes a federally enforceable pollution control device and emission limitations for the operation of the Taunton facility.

22. Since the Taunton facility uses federally enforceable control devices to maintain the source's emissions at area source levels, the Taunton facility is required to obtain a Title V permit under 40 CFR Part 70, in accordance with 40 C.F.R. § 63.11494(e).

23. To date, the Taunton facility has not applied for and obtained a Title V permit, in violation of 40 C.F.R. § 63.11494(e).

### **ENFORCEMENT**

24. After the issuance of this NOV, EPA may take any or all of the following actions in accordance with the provisions of Section 113 of the Act: (a) issue an order requiring compliance with the Act; (b) issue an administrative penalty order; or (c) bring a civil action in federal district court for an injunction and/or monetary penalties up to \$37,500 per day for each violation. See Sections 113(a), (b) and (d) of the CAA, 42 U.S.C. §§ 7413(a), (b) and (d), and 40 CFR. Part 19.4 (CAA judicial and administrative penalties raised from \$25,000 to \$37,500, effective after December 6, 2013).

25. If Waters has knowingly violated the requirements of the CAA, Waters and its responsible corporate officers may be subject to criminal penalties under Title 18 of the United States Code, imprisonment for not more than five years, or both. See Section 113(c) of the Act, 42 U.S.C. § 7413(c).

26. Be advised that the issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law that are available to address the violations alleged above.

### **OPPORTUNITY TO CONFER**

27. If Waters has any questions regarding this NOV, please contact Elizabeth Kudarauskas, Environmental Engineer, at (617) 918-1564, or have your legal counsel contact Thomas T.

Olivier, Senior Enforcement Counsel, at (617) 918-1737. Waters may request an opportunity to confer with EPA within 14 days of issuance of this NOV by contacting Ms. Kudarauskas or Mr. Olivier at the phone numbers listed above.

**EFFECTIVE DATE**

28. This NOV shall become effective immediately upon issuance by EPA.

Susan Studlien  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
Region 1 – New England

02/27/15  
Date





Office of Enforcement and Compliance Assurance  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Compliance Assistance Centers

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### Agriculture

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

#### Automotive Recycling Industry

([www.ecarcenter.org](http://www.ecarcenter.org))

#### Automotive Service and Repair

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### Chemical Industry

([www.chemalliance.org](http://www.chemalliance.org))

#### Construction Industry

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### Education

([www.campuserc.org](http://www.campuserc.org))

#### Healthcare Industry

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### Metal Finishing

([www.nmfrf.org](http://www.nmfrf.org) or 1-734-995-4911)

#### Paints and Coatings

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### Printed Wiring Board Manufacturing

([www.pwbrf.org](http://www.pwbrf.org) or 1-734-995-4911)

#### Printing

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

### Transportation Industry

([www.transource.org](http://www.transource.org))

### Tribal Governments and Indian Country

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

### US Border Environmental Issues

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators ([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### EPA's Home Page

[www.epa.gov](http://www.epa.gov)

#### Small Business Gateway

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### Compliance Assistance Home Page

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

#### Office of Enforcement and Compliance Assurance

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### Voluntary Partnership Programs

[www.epa.gov/partners](http://www.epa.gov/partners)

